

REMARKS

DETAILED ACTION

Claim Rejections – 35 USC § 103

Claims 1, 5, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Paleiov et al (US 6,560,320) and in view of Roeder (US 2002/0111176).

The Examiner has failed to add the Irizarry reference which is described below in the text. Further, the Examiner cannot just add elements from different prior art and state that it was obvious. The Examiner must point to a known problem to be solved and there must be a suggestion in the references to combine. The Examiner has never made any such statement showing the combination of references. Here the Examiner has taken four different references to find the claims obvious.

The Examiner states that Darby does not teach a display panel being customizable and the device including a stylus. The Examiner then points to Paleiov as having these features. The Examiner does not state that there is any motivation for Darby to require this or even put it in as an option. Darby lists a whole realm of features regarding the screen and keyboard in paragraph 15 but leaves these features out. The device of Darby would have completely be changed in order for it to be usable with a stylus. In fact, a stylus is usually attached to the device and there is no where in Darby for such an attachment to occur.

Paleiov teaches a telephone communication unit which is not mobile. There is no reason to combine Paleiov with Darby. Paleiov describes a display on Col. 6, lines 45-50 which has a pressure sensitive region on which the user writes characters with a suitable stylus. Since there is no pressure sensitive region taught by Darby, one cannot combine the references.

The Examiner points to Irizarry to teach a waterproof case for a cellular phone. The Examiner does not state that Irizarry is a reference in the 103 rejection. Irizarry teaches a cell phone case for a cellular telephone being waterproof. The claims of the patent require that the device, the hand held wireless device be waterproof and sand proof, not the case for the device. The Examiner adds this extra element of a waterproof case in his rejection, however, this is not an element of the claim nor is this taught by the patent application.

There is nothing in Darby to state that the device of Darby would receive calls from a guest room to the device. Darby's device relates to call centers and therefore there would be no reason to transfer calls to the guest room to the device of the invention. Just by saying that it is known to transfer a call, does not mean that you can add that feature to Darby where it would not make sense to add that feature since Darby relates specifically to call centers.

For all of the reasons stated above, Claims 1, 5 and 12-16 are not obvious over the prior art.

Claim 3 is rejected under 35 USC 103(a) as being unpatentable over Darby in view of Paleiov and view of Roeder and in view of Shaffer et al. (US 6,377,798).

Again, the Examiner must add Irizarry to the list of prior art mentioned as that is a feature of Claim 1 to which Claim 3 is dependent on. Again, the Examiner has not shown any reason why Shaffer should be combined with the other references. Some of the references teach a mobile phone while other references teach a stationary phone. Since Darby relates to a call center, there is no reason to add the feature of a pager device. Therefore Claim 3 is not obvious over the prior art.

Claims 7 and 8 are rejected under 35 USC 103(a) as being unpatentable over Darby in view of Paleiov in view of Roeder and in view of Hase (US 2002/0183078).

Again, the Examiner must list Irizarry as a reference and therefore show that the combination of the above five references is taught in those references. Hase specifically teaches the use of an ID card holder. There is nothing in Darby or any of the other prior art references which teach the need of a separate device to access the device. In fact Darby specifically mentions several ways to access the device, none of which include a room key. The fact that Hase teaches a separate holder for an ID card and that none of the other devices teach this holder, shows that the Darby device must be completely changed in order to include the teachings of Hase.

For all of these reasons, Claims 7 and 8 are not obvious over the prior art.

Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Darby in view of Paleiov and in view of Roeder and in view of Haraguchi et al. (US 4,979,205).

The Examiner states that Haraguchi teaches a type of wireless telephone unit with a rechargeable battery. Some of the prior art references teach a non mobile/non wireless phone unit. There is nothing shown or taught in Darby that describes the need or the problem to be solved with a rechargeable battery. Therefore, there is no teaching to combine the references.

Therefore, Claim 9 is not obvious over the prior art.

Claim 12 is rejected under 35 USC 103(a) as being unpatentable over Darby in view of Paleiov in view of Pepe et al. (US 5742668).

Since Darby specifically relates to a call center, there is no reason to combine any reference which teaches the forwarding of e-mails. Darby specifically relates to all communication and adding the e-mail function would make no sense to what is taught in Darby.

Therefore, Claim 12 is not obvious over the prior art.

Applicant believes that the application is now in condition for allowance.

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